REMARKS

The Office Action dated July 20, 2010 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claim 27 has been amended to more particularly point out and distinctly claim the subject matter of the invention. No new matter is believed to have been added. Claims 1-31 are currently pending in the application and are respectfully submitted for consideration.

The Office Action rejected claims 27-29 under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Specifically, the Examiner took the position that method claims 27-29 are directed to an abstract idea. Applicants respectfully submit that this rejection is moot for at least the following reasons.

As mentioned above, claim 27 has been amended to tie one of the steps of the method to a user equipment. Although the Supreme Court's decision in *In Re Bilski* indicated that the machine-or-transformation test is not the sole test governing patentable subject matter for process claims, the Supreme Court confirmed that the machine-or-transformation test is one of the tests for determining the patent-eligibility of process claims. Applicants submit that, because method claim 27 recites a user equipment, the method is tied to a specific machine. Accordingly, claim 27 and the claims dependent thereon cannot be considered to be directed to an abstract idea. Therefore, Applicants

respectfully request that the rejection of claims 27-29 under 35 U.S.C. §101 be withdrawn.

The Office Action also rejected claim 31 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. The Office Action appears to have taken the position that claim 31, which is a means-plus-function claim, does not comply with the requirements of 35 U.S.C. §112, sixth paragraph. This rejection is respectfully traversed for at least the following reasons.

35 U.S.C. §112, sixth paragraph, requires that the specification provide adequate support for the structure, material or acts for performing the function recited in the claim. Applicants submit that the specification provides clear support for the means-plus-function limitations of claim 31. In particular, Figs. 1 and 2 of the application, along with the associated description of those figures in the specification, provides a description of the presence server and user equipment which are the structures associated with the functions recited in claim 31. For example, on page 7, lines 10-15, the specification states that "the watcher 10 is arranged to communicate with a presence list server 12. This presence list server 12 stores for the watcher one or more groups. The watcher defines these groups, the number of groups and the members of the groups." Accordingly, Applicants respectfully assert that claim 31 is clear and definite, and request that the rejection be withdrawn.

The Office Action rejected claims 1-17 and 21-31 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Agrawal (U. S. Patent Pub. No. 2002/0083127), in view of Xu et al. (U.S. Patent Pub. No. 2003/0110228). The Office Action took the position that Agrawal discloses all of the elements of the claims, with the exception of the second information being definable by the watcher. The Office Action then cited Xu as allegedly curing this deficiency in Agrawal. This rejection is respectfully traversed for at least the reasons discussed below.

Claim 1, upon which claims 2-6, 8-12, 18-20, 23, 24, and 26 are dependent, recites a system including a presence information unit configured to provide presence information associated with a plurality of users said presence information comprising a plurality of elements associated with each user. The system also includes a storing unit configured to store information defining at least one group, the group comprising a plurality of users. The system further includes an information providing unit configured to provide second information defining for each user of the group which elements of the presence information are to be provided to a watcher. For at least one user of the group, the second information defines a subset of the elements of the presence information. The second information is definable by the watcher.

Claim 27, upon which claims 28 and 29 are dependent, recites a method including defining, by user equipment, at least one group. The group comprising a plurality of users with which presence information is associated, the presence information comprising a plurality of elements associated with each user. The method also includes defining for

each user of the group which elements of the presence information are to be provided to a watcher. For at least one user of the group, the provided information defines a subset of the elements of the presence information. The method also includes defining for each user of the group which elements of said presence information are to be provided is preferred by the watcher.

Claim 30, upon which claims 7, 13-17, 21, 22, and 25 are dependent, recites an apparatus including a storing unit. The storing unit is configured to store first information defining at least one group. The group comprises a plurality of users with which presence information is associated, and the presence information comprises a plurality of elements associated with each user. The storing unit is also configured to store second information defining for each user of said group which elements of the presence information are to be provided to a watcher. For at least one user of the group, the second information defines a subset of the elements of the presence information, and the second information is definable by the watcher.

Claim 31 recites a system including presence information providing means for providing presence information associated with a plurality of users. The presence information comprising a plurality of elements associated with each user. The system also includes storing means for storing first information defining at least one group, the group comprising a plurality of users. The system further includes information providing means for providing second information defining for each user of the group which elements of the presence information are to be provided to a watcher. For at least one

user of the group, the second information defines a subset of the elements of the presence information, and the second information is definable by the watcher.

Thus, embodiments of the invention as discussed above allow a more efficient and flexible handling of resources. The watcher does not get bogged down in unwanted information and receives only the information they wish to receive. Furthermore, by defining this in a presence information unit, radio resources are saved. The presence information for each user may be substantial, and sometimes all of the information is not needed for particular individual users by the watcher.

As will be discussed below, the combination of Agrawal and Xu fails to disclose or suggest all of the elements of the claims, and therefore fails to provide the advantages and features discussed above.

Agrawal describes methods and systems for providing application level presence information in wireless communication. The system includes an application server configured to communicate with a first client and a presence server configured to receive application presence data associated with the first client from the application server. The application server is configured to communicate with a second client based on the application presence data associated with the first client. The application server is configured to deliver a message from the second client to the first client based on the application presence data associated with the first client and at least one of the first client and the second client is associated with a mobile station.

Xu describes a system that includes a mechanism to share the details of specific user requests among different collaborators. The system includes a first computer system associated with a user that includes a display unit to display a first window associated with the user request. The first computer system is adapted to transmit and receive messages associated with the user request. With the first computer system, a user is able to submit and resolve user requests. A second computer system is provided that is associated with a service provider; the second computer system includes a display unit to display a second window associated with the user request. The second computer system is adapted to receive the message and display the message in the second window at the second computer system. The second computer system is also adapted to transmit messages associated with the user request. The second computer system can be adapted to provide displays to assist the service provider in finding user requests, resolving them, and finding and engaging collaborators to work on the user request(s). Such a second computer system may be provided for each service provider that is working to resolve user requests. A third, or central, computer system can be provided coupled to the first and second computer systems to serve as a network platform.

Applicants respectfully submit that Agrawal and Xu, whether considered alone or in combination, fail to disclose or suggest all of the elements of the present claims. For example, the combination of Agrawal and Xu does not disclose or suggest, at least, "an information providing unit configured to provide second information defining for each user of said group which elements of said presence information are to be provided to a

watcher," as recited in claim 1 and the similar limitations recited in claims 27, 30, and 31. The Office Action cited paragraphs 41 and 49 of Agrawal as allegedly disclosing this aspect of the claims. Applicants respectfully disagree, as discussed below.

Paragraph 41 of Agrawal merely lists the various things that user presence data (provided to an instant messaging user) may include or how it may be used. This section of Agrawal provides no explicit or implied reference to providing second information defining which elements of the presence information specifically for each user, are to be provided to the watcher (i.e., defining a variable and specific subset for each user and all defined/tailored to suit the requirement for the watcher). Rather, paragraph 41 of Agrawal merely lists what could be included in the set of presence information.

However, it is noted that Agrawal does not even disclose that the presence information can be varied according to the requirement of the watcher, let alone that the variation can be defined (and implicitly therefore varied) by the watcher differently for each user. In this way, according to embodiments of the claimed invention, the watcher can apply a specific individual filter for each user to meet the watcher's purpose.

With respect to paragraph 49 of Agrawal, this section merely refers to the way a watcher/user may wish to control how their own presence information is viewed. For example, paragraph 49 describes how a user/watcher can determine how their own information can be made available for members of certain lists and unavailable to others. This is completely different from setting up effectively second information which

essentially is a filter for filtering information passed to the watcher and pertaining to other users.

Accordingly, Agrawal fails to disclose or suggest, at least, "an information providing unit configured to provide second information defining for each user of said group which elements of said presence information are to be provided to a watcher," as recited in claim 1 and the similar limitations recited in claims 27, 30, and 31. Xu, as will be discussed below, fails to cure this deficiency in Agrawal.

Xu does not disclose or suggest using rules to increase the efficiency of the presence updates. Paragraph 33 of Xu refers to how presence information can be retrieved and reported by a plurality of modules running at the service network platform as well as the service provider computer and user computer. This section of Xu fails to disclose or suggest that the watcher (a user) is able to predefine what presence information they receive, where the presence information can be specifically tailored such that it can be made dependent and variable for each individual the watcher is interested in.

Paragraph 35 and 37 of Xu states, "presence information can be defined for the user, service provider and trouble ticket." Again, however, there is no disclosure or suggestion of providing predefined (rules) providing second information defining elements for a watcher of the presence information specifically for each user. As such, Xu fails to cure the deficiencies in Agrawal noted above.

Thus, Xu and Agrawal fail to disclose or suggest that a watcher can determine selectively in advance (i.e. in a predetermined fashion) at a presence server what presence information concerning other users he receives and that this can be tailored for each user by the watcher. Accordingly, the combination of Agrawal and Xu does not disclose or suggest, at least, "an information providing unit configured to provide second information defining for each user of said group which elements of said presence information are to be provided to a watcher," as recited in claim 1 and the similar limitations recited in claims 27, 30, and 31.

Applicants respectfully request that the rejection of claims 1, 27, 30, and 31 be withdrawn and the claims be allowed. Claims 2-17, 21-26, and 28-29 are dependent upon claims 1, 27, and 30, respectively. As such, claims 2-17, 21-26, and 28-29 should also be allowed for at least their dependence upon claims 1, 27, and 30, and for the specific limitations recited therein.

Claims 18-20 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Agrawal and Xu, and further in view of Bobde (U.S. Patent Pub. No. 2003/0217142). This rejection is respectfully traversed for at least the following reasons.

Agrawal and Xu are outlined above. Bobde describes a system for detecting and communicating the presence of one or more computing devices. A server acting as a presence agent on behalf of a first user receives and responds to a subscription request generated by a computing device operated by a second user that wishes to be permitted as a watcher of the first user. When the second user corresponds to access preferences

specified by the first user, a notify message is sent to the second user's device that includes presence information indicative of an activity level and availability level associated with the first user. When the first user employs multiple computing devices, the server generates an aggregate presence document that is representative of the overall presence of the first user.

Claims 18-20 are dependent upon claim 1, and inherit all of the limitations thereof. As discussed above, the combination of Agrawal and Xu fails to disclose or suggest all of the elements of claim 1. In addition, Bobde does not cure the deficiencies in Agrawal and Xu, because Bobde also fails to disclose or suggest "an information providing unit configured to provide second information defining for each user of said group which elements of said presence information are to be provided to a watcher." Therefore, the combination of Agrawal, Xu, and Bobde fails to disclose or suggest all of the elements of claims 18-20. Further, claims 18-20 should also be allowed for at leas their dependence upon claim 1, and for the specific limitations recited therein.

For at least the reasons discussed above, Applicants respectfully submit that the cited prior art fails to disclose or suggest all of the elements of the claimed invention. These distinctions are more than sufficient to render the claimed invention unanticipated and unobvious. It is therefore respectfully requested that all of claims 1-31 be allowed, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

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Enclosures: Petition for Extension of Time